

include a touch screen and one of ordinary skill in the art would not somehow look at Parker '296 and substantially reconstruct the Fabris system by viewing Parker '296.

With regard to the Examiner's contention that while Fabris admittedly "does not exemplify automatic tracking of at least one remote control device," page 3, lines 7-8, the "Go" command given by the alleged "remote controller" touch screen can thus "automatically track at least one remote controller device", page 3, lines 9-10. Applicants take issue with the contention that the "Go" command of Fabris allows the system to automatically track the touch screen which is alleged to be a remote controller. Fabris provides a "Go" command to a camera in order to carry out various functions of his designed system. Accordingly, it is not proper to state that the two methods of automatically tracking and giving a "Go" command are analogous as obvious variations at the time of the invention by applicants.

With respect to Martin '801, which is taken to be the reference the examiner relies upon to illustrate the analogous, obvious variations between the touchy screen and applicant's approaches, Martin fails to support such contention and is directed to a system for correcting a partial spherical image derived from wide alleycat or "fisheye" camera lenses.

Martin states in the "Technical Field" paragraph of the disclosure, Col. 1, lines 19-27, that the invention "relates generally to apparatus for obtaining a wide field of view at a first location without the use of moving parts – a wise angle or fisheye lens—and for selecting a portion or portions of that view under selected viewing parameters at a second location". The Martin device does not "move", "control", or "change" the field of view of a camera. Martin recites only the processing of the signal provided by the system. It is precisely the point of the present invention to issue a command to the automatic control system to control the camera not simply the signal output of a camera as in Martin. Martin does not show in FIGS. 1-3 any communication or other link between cameras 18 and the additional circuitry at local site 14 nor does Martin show any signal from its signal processor 20 or 50 back to the camera 18. In short Martin does not control the camera or its field of view in any way. Martin simply corrects the image resulting from a fisheye lens.

Accordingly, it is believed that Martin does not show any analogous, obvious variation or equivalence between the control of the camera and its field of view according to the present claimed invention and the "Go" command of Fabris.

The Examiner admits at the penultimate full sentence on page 3 of the above Action, that "neither Fabris, et al nor Parker, et al. '296 teaches using at least two control devices".

It is well known in the art to use multiple controllers to operate a camera, especially in the video conferencing art. No reference is cited in support and it is believed that such failure points to the lack of establishment of a *prima facie* case of obviousness of this statement. In fact, applicants suggest that at the time of this invention the contrary is true: Most systems have a single individual controlling the entire operation at a given site—as in the Fabris disclosure.

Accordingly, applicants believe that claim 51 (Amended) is not obvious by the alleged combination of Fabris and Parker '296 (with or without Martin). There is no teaching or suggestion in any of the references of record that Fabris and Parker '296 should be combined in the manner only disclosed and claimed in the present invention.

With regard to the other claims, the camera of Fabris is not moved by a command from a movable control device as in the present invention and as recited in claim 51 (Amended). Moreover, claim 51 (Amended) recites in steps A and D that the commands issued to the camera by the movable remote control device are directly associated with the specific control device used to issue the command.

With regard to claims 53, 54, 55, 58, that depend on claim 51 (Amended), the present invention employs movable remote control devices to move the camera, a feature distinguished from the cited art.

With respect to claim 63, a DHT is software program that carries out orders in a hierarchical manner. The fact that interrupts of equal or lower level are disabled when a DHT is being run does not mean that when a movable remote control device is issuing a command to override subsequent commands from other devices it is interrupting an interrupt. The functions are not the same.

With respect to claim 66, the present invention employs multiple movable remote control devices that recall by command a specific field of view position. The cited art does not have these capabilities.

With regard to claim 67, applicants do not agree that the "Go" command of Fabris is analogous to the commands of the movable remote control devices of the present invention.

With regard to claim 68, claim 68 (Amended) recites at least two control devices each being movable independently of said automatic control system as discussed hereinabove with respect to claim 51 (Amended).

With regard to claim 69, applicants incorporate herein the previous discussion as to claim 51 (Amended).

With regard to claims 72 and 76, applicants do not agree that Fabris provides for movable remote control devices that are movable independently of the automatic control system to control audio and video signals.

With regard to claims 84, 85, see the above discussion with respect to claim 63.

With respect to claim 96, applicants do not agree with the contention that Fabris has plural control devices that are movable independently of the automatic control system as discussed hereinabove. It is not at all obvious to provide multiple touch screens for a conference center even if the touch screens of Fabris can be considered to be movable remote control devices. In addition, it is not obvious to attempt tracking of a Fabris touch screen by another touch screen with is the only analogous way of accomplishing the results of the present invention.

With regard to claim 97, see the discussion of claims 63, 68, and 96.

With regard to claims 106 and 107, applicants' repeat the discussion of claim 51 (Amended).

It is important in this regard to recognize that Fabris is fundamentally different than the present invention. Fabris discloses a teleconferencing site controlled by a single conference leader via a single control console. Fabris does mention "operators" (plural at line 20 of col. 42) but does not disclose any system that has more than one person operating the entire system nor does he disclose even two or more consoles or touchscreens. The use of the plural in line 30 is believed indicative that the system can be operated by person from a pool of "relatively unskilled operators" which is the entire rationale of Fabris or that more than one teleconferencing site is being used. Moreover, Fabris does not disclose multiple command input stations, a feature that is precisely the objective of the present invention. Fabris does not disclose or suggest having more than one operator controlling the system via two or more movable control devices that send commands.

One of the fundamental differences between the present invention and Fabris is the fact that the present invention seeks to provide a system where the automatic control system automatically associates commands from a movable remote control device with that specific device. It is this feature that allows for the use of multiple movable remote devices not envisioned by either Fabris or Parker '296. The commands recited in the claims all are automatically associated with the

remote device that issued the command. Claims 68(amended), 105(amended), 108(amended) all have recited limitations similar to those in claim 51 and the structural recitations therein.

With respect to the enumerated rejections and comments to claims 52-57, 58-79, and 83-108, applicants repeat the remarks with respect to Claim 51. Fabris is simply a fundamentally different system than that disclosed in the present invention. While Fabris may recite limitations and capabilities that are somehow and somewhat functionally similar to those of the present invention, applicant's do not believe that Fabris and Parker '296 suggest how to reconstruct the Fabris system into applicants' invention which employs, *inter alia*, movable control devices in a distributed network arrangement which is quite distinct from the Fabris central controller approach.

In summary, Fabris is a central controller with improvements thereto which is the exact opposite of the present invention that discloses a distributed control network where each of the at least two movable remote controllers is unique, is automatically identified as such, and is acted upon accordingly.

4. With respect to the rejection of claims 80-82, as allegedly being obvious in light of Fabris, Parker '296 and Sano, audio signals developed in the present invention are associated with the movable remote control devices that are quite different from the touch screen of Fabris as discussed hereinabove. Furthermore, the present invention employs independently movable control devices. Moreover, claim 80 does not recite multiple automatic control systems but rather groups of movable control devices for purposes of audio signal operation and control. Accordingly, claims 80-82 which ultimately depend from claim 68 (Amended), are not obvious in light of Fabris, Parker '296, and Sano and thus are believed to be patentable.

In summary, applicants reiterate that the present invention is a distributed control network employing movable remote control devices that control cameras by way of commands that are automatically identified as being associated with a particular remote control device. None of the cited art teaches or suggests such a control system. Fabris in particular is an example of the usual art in the field consisting of a highly centralized site having a single operator to control the site.

It is believed that the Examiner has failed to establish a *prima facie* case of obviousness because "the teachings from the prior art itself would" not "appear to have suggested the claimed subject matter to a person of ordinary skill in the art". In re Rinehart (CCPA 1976) 189 U.S.P.Q. 143, 147. The Rinehart case was cited with approval in In re Piasecki and Meyers (CAFC 1984) 223 U.S.P.Q. 785.

Also, for "the teachings of a reference to be prior art under 35 U.S.C. 103, there must be some basis for concluding that the reference would have been considered by one skilled in the particular art working on the pertinent problem to which the invention pertains". In re Horn et al (CCPA 1979) 203 U.S.P.Q. 969, 971. The CCPA continues:

"For no matter what a reference teaches, it could not have rendered obvious anything at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains unless said hypothetical person would have considered it."

Also see Ex parte Clapp (Bd. App. 1985) 227 U.S.P.Q. 973 citing the Horn case with approval.

Accordingly, it is believed that the Examiner has viewed applicants' invention in retrospect not permitted under 35 U.S.C. 103.

"It is impermissible to first ascertain factually what appellants did and then view the prior art in such a manner as to select from the random facts of that art only those which may be modified and then utilized to reconstruct appellants' invention from such prior art."

From In re Shuman (CCPA 1966) 150 U.S.P.Q. 54, 57. Also see W.I. Gore & Associates, Inc. v. Garlock, Inc. (CAFC 1983) 220 U.S.P.Q. 303, 311-2.

It would not be obvious to look to Parker '296 to solve the many problems that Fabris system presents, including his one centralized touch screen based single user arrangement. Parker '296 discloses a system, admittedly being a tracking system having only one movable remote controller is not designed for multi-user teleconferencing nor is it capable of being readily adapted therefore.

A telephone conference is requested to resolve any remaining issue.

Respectfully submitted,



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